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EXAMINER	
ROSEN, NICHOLAS D	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/745,323	IVERSON ET AL.
	Examiner	Art Unit
	Nicholas D. Rosen	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,20-24,26-30,32-44 and 49-52* is/are rejected.

7)☒ Claim(s) *16-19,25,31 and 45-48* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-52 have been examined.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 214 and 228. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: On page 7, line 2, "If Agent 2 cannot" should apparently be "If Agent 1 cannot".

Appropriate correction is required.

Claim Objections

Claims 4-15 and 42-43 are objected to because of the following informalities: In the sixth line of claim 4, "the first manifest" may pose a difficulty, as the antecedent references are only to a manifest, with no mention of it being first. This raises the question of whether the applicant may have intended to write "first digital resource" or "first meta-data". Appropriate correction is required.

Claim 5 is objected to because of the following informalities: Claim 5 is stated to depend on claim 3 ("The method of claim 3, wherein"). Not only would this make claim 5 out of order, but "said digital resource" would lack proper antecedent basis, as there are several digital resources in claim 3. Therefore, claim 5 is treated for examination purposes as depending on claim 4, and ""said digital resource" is treated as reciting "said first digital resource". Appropriate correction is required.

Claim 10 is objected to because of the following informalities: The phrase "the purchasing data" in the fifth line of claim 10 lacks antecedent basis. Appropriate correction is required.

Claims 16-19 and 45-48 are objected to because of the following informalities: Claim 45 is unclear because it recites "if not, disposing of the manifest" to cover the case where it is determined that the manifest cannot be edited to comply with the policy, but fails to specify what is done if the manifest can be edited to comply with the policy. Examiner suggests adding the element: "if so, editing the manifest to comply with the policy." Appropriate correction is required.

Claim 22 is objected to because of the following informalities: In the second line, "a search criteria" should be "a search criterion" or else "search criteria", since "criteria" is a plural form. If "criteria" is amended to "criterion", "criteria" should also become "criterion" in the next line. Appropriate correction is required.

Claims 26 and 27 are objected to because of the following informalities: In the second line of claim 26, "a search criteria" should be "a search criterion" or else "search criteria", since "criteria" is a plural form. Appropriate correction is required.

Claims 28-32 are objected to because of the following informalities: In the seventh line of claim 28, "the first meta-data description" lacks explicit antecedent basis. It is unclear whether this foes or does not mean the same as "the first meta-data". Appropriate correction is required.

Claims 30 and 31 are objected to because of the following informalities: In the fourth line of claim 30, "said associated security" lacks antecedent basis in claim 28. Claim 30 is therefore treated for examination purposes as depending on claim 29, which does recite "associating security data." Appropriate correction is required.

Claim 31 is objected to because of the following informalities: The language of claim 31, "to facilitate identifying that said receiver performed said revising," can be interpreted as a mere recitation of intended purpose, which does not make an otherwise obvious claim allowable. Examiner suggests rewriting the claim to read, "wherein said cryptographic signing identifies said receiver as having performed said revising." Appropriate correction is required.

Claims 33-35 are objected to because of the following informalities: In the ninth line of claim 33, "the buyer" lacks antecedent basis, and should be "a buyer". Appropriate correction is required.

Claims 36-39, 51, and 52 are objected to because of the following informalities: At the end of the fourth line of claim 36, there should be an "and" after the semicolon. In the fifth line of claim 36, "association" should be "associating." Appropriate correction is required.

Claim 38 is objected to because of the following informalities: In the second line of claim 38, "the selection" should be "the first selection" to correspond to the language of claim 36, and avoid any confusion with the "second selection" of claim 37. Appropriate correction is required.

Claims 40 and 41 are objected to because of the following informalities: In the first line of claim 40, "instruction" should apparently be "instructions". Appropriate correction is required.

Claims 43 and 44 are objected to because of the following informalities: Claim 43 recites "The article of claim 41 . . . to perform the operations of claim 7," which is inconsistent because claim 41 recites instructions to perform the operations of claim 2, and claim 7 does not depend on claim 2 (claim 7 depends on independent claim 4; claim 2 depends on independent claim 1). Furthermore, claim 44 recites "The article of claim 43 . . . to perform the operations of claim 8," which is questionable because claim 8 does not depend on claim 7 (both depend directly on claim 4). For examination purposes, claims 43 and 44 are treated as depending on claim 42. Appropriate correction is required.

Claim 50 is objected to because of the following informalities: Claim 50 inconsistently refers to "The article of claim 45" and performing "the operations of claim 29." If the article of claim 50 has instructions for directing a machine to perform the operations of claim 29, then claim 50 should logically depend on claim 49, which recites an article for directing the machine to perform the operations of claim 28. Claim 50 is

therefore treated for examination purposes as reciting, "The article of claim 49". Appropriate correction is required.

Claim 52 is objected to because of the following informalities: There should be a period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiser et al. (U.S. Patent 6,385,596). As per claim 1, Wiser discloses a method to electronically represent a work, the method comprising: storing in a manifest a first reference to a first digital resource, and a first meta-data describing the first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); storing in the manifest a second reference to a second digital resource, and a second meta-data describing the second digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); and storing in the manifest a structural relationship between said first and second digital resources (Abstract; Figure 2; column 6, line 47, through column 8, line 17); wherein the

manifest comprises structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17).

As per claim 2, Wiser discloses that the work is a physical representation of a physical good (Figure 14, especially the "Buy CD" button in Figure 14; column 25, line 50, through column 26, line 2; column 26, line 62, through column 27, line 5).

As per claim 3, Wiser discloses storing within the manifest selected ones of purchasing data for the work, purchasing data for said digital resources, intended audience ratings for said digital resources, content ratings for said digital resources, and processing rules describing how a machine is to process the manifest (column 3, line 32, through column 5, line 16).

Claims 4, 5, 9, 10, 12, 13, 14

Claims 4, 5, 9, 10, 12, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiser et al. (U.S. Patent 6,385,596). As per claim 4, Wiser discloses a method for defining a manifest for a specific digital representation of a work, comprising: storing in the manifest a first reference to a first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); storing in the manifest a first meta-data describing selected ones of the manifest and the first digital resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); making the manifest available for receiving by a receiver (Abstract; Figure 2; column 6, line 47, through column 8, line 17); and associating the first reference and the first meta-data so that the manifest comprises structure corresponding to a physical good (Abstract; Figure 2; column 6, line 47, through column 8, line 17; Figure 14, especially the "Buy CD" button in Figure 14;

column 25, line 50, through column 26, line 2; column 26, line 62, through column 27, line 5).

As per claim 5, Wiser discloses that said digital resource includes selected one of audio data, video data, audiovisual data, image data, binary data, world wide web documents, virtual reality data, textual data, holographic data, and programming language programs (Abstract; Figure 2; column 6, line 47, through column 8, line 17).

As per claim 9, Wiser discloses storing in the manifest a second reference to a second digital resource related to but not included in the physical good (column 3, lines 50-62) (songs recorded with lower quality are not generally included in CD's along with the same songs recorded at higher fidelity).

As per claim 10, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality; and setting prices in the purchasing data for said fist and second resources based at least in part on said encoding quality (column 3, lines 50-62).

As per claim 12, Wiser storing digital rights management information within the manifest (column 7, lines 27-49; column 8, line 1, through column 9, line 36).

As per claim 13, Wiser discloses storing authentication information within the manifest (column 12, line 16, through column 13, line 2).

As per claim 14, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality (column 3, lines 50-62).

Claim 20

Claims 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Spagna et al. (U.S. Patent 6,587,837). Spagna discloses a digital content management system, comprising: a storage for storing digital content collections (column 12, line 7, through column 13, line 13), wherein a collection comprises a link reference to digital content (column 76, lines 46-65) and meta-data describing selected ones of said digital content and the collection (column 12, lines 34-67; column 76, lines 46-65); a communication agent communicatively coupled to the storage (column 79, lines 26-37); a receiver communicatively coupled to the communication agent (column 22, lines 25-30; column 25, lines 31-49), said receiver configured to inspect said meta-data and process the collection accordingly (column 21, line 58, through column 22, line 30); and a transmitter communicatively coupled to the communication agent, said transmitter configured to inspect the reference to digital content to confirm retrievability of the digital content, and to make the collection available to other digital content management systems (column 14, line 49, through column 15, line 7; column 29, lines 40-48; column 73, lines 4-14; column 79, lines 26-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 40 and 41

Claims 40 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claims 1 and 2 above (respectively), and further in view of official notice. Wiser does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 1 (or of further performing the operations of claim 2), but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for collecting and managing digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 1 (as per claim 40) and claim

2 (as per claim 41), for the obvious advantage of sparing the cost of hiring human beings to enter all data stored according to the methods of claim 1 and claim 2 by hand.

Claims 6, 7, 8, 11, 15, 42, 43, and 44

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claim 4 above, and further in view of official notice. As per claim 6, Wiser does not disclose that the first meta-data comprises an intended-audience attribute, but official notice is taken that it is well known for information associated with a work to comprise an intended-audience attribute (e.g., "fun for the whole family," "adult only," "a must for country music fans," etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the first meta-data comprise an intended-audience attribute, for the obvious advantage of assisting potential buyers in deciding whether they wish to buy a particular digital work.

As per claim 8, Wiser discloses storing in the manifest a second reference to a second digital resource, said first and second digital resource encoding an original resource with differing encoding quality; and setting prices in the purchasing data for said fist and second resources based at least in part on said encoding quality (column 3, lines 50-62).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claim 4 above, and further in view of official notice. Wiser does not quite expressly disclose storing purchasing data for the first digital resource in the manifest to facilitate a purchase decision by a receiver of the

manifest, but does disclose a media data file (manifest) with clips and other information for previewing by the consumer to decide whether or not to purchase the high fidelity version (column 3, lines 50-62). Official notice is taken that it is well known to store purchasing data with products for sale (e.g., the price, what credit cards are accepted, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store purchasing data for the first digital resource in the manifest to facilitate a purchase decision by a receiver of the manifest, for the obvious advantage of enabling potential purchasers to conveniently purchase the first digital resource.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claim 4 above, and further in view of Goddard (U.S. Patent 6,684,240). Wiser does not disclose storing content ratings information within the manifest so that the receiver can filter content according to said content ratings, but it is well known to store content ratings information with a work to enable receivers to filter content according to said content ratings, as taught by Goddard (Abstract; column 1, lines 14-25). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store content ratings information within the manifest so that the receiver could filter content according to said content ratings, for the stated advantages of enabling users to avoid exposure to work they consider offensive, or inappropriate for their children.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claim 4 above, and further in view of official

notice. Wiser does not disclose encoding the manifest with a hierarchical tag-based markup language; and structuring the manifest with respect to a rules-based grammar. However, official notice is taken that hierarchical tag-based markup languages are well known (e.g., HTML, XML), and that that it is well known for programs and files to be structured with respect to a rules-based grammar (e.g., any programming language). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to encode the manifest with a hierarchical tag-based markup language, and structure the manifest with respect to a rules-based grammar, for the obvious advantage of making the manifest conveniently available over the Internet (which Wiser teaches doing, e.g., column 3, lines 11-19).

Claims 42, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) as applied to claims 4, 7, and 8 above respectively, and official notice in the cases of claims 7 and 8, and further in view of further official notice. Wiser does not disclose a machine accessible medium having instruction encoded thereon for defining a manifest for digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 4 (or of further performing the operations of claims 7 or 8), but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said

instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 4 (as per claim 42), claim 7 (as per claim 43), and claim 8 (as per claim 44), for the obvious advantage of sparing the cost of hiring human beings to enter all data stored according to the methods of claim 4, claim 7, and claim 8 by hand.

Claims 21, 22, 23, 24, 26, and 27

Claims 21, 22, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna et al. (U.S. Patent 6,587,837) as applied to claim 20 above, and further in view of McCoy et al. (U.S. Patent Application Publication 2002/0037311). As per claim 21, Spagna does not expressly disclose a creation tool for creating the collection, but McCoy teaches a creation tool for creating a digital content collection (paragraph 86; Figure 16); and a user interface communicatively coupled to the creation tool, said user interface having a first interface tool to facilitate selection of the digital content, and a second interface tool to facilitate entering meta-data (paragraph 86; Figure 16). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the system comprise such a creation tool and user interface, for the obvious advantage of enabling persons with digital content to make available for sale to make it available.

As per claim 22, Spagna discloses a commerce agent comprising a payment tool configured to purchase digital content in accord with purchasing requirements (column 25, lines 43-49). Spagna does not expressly disclose a purchasing tool configured to determine purchasing requirements for received digital content collections, but does

disclose that digital content collections include purchasing conditions (column 13, lines 24-38), which implies the capacity to receive and understand the purchasing conditions. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's inventions for a purchasing tool to be configured to determine purchasing requirements for digital content collections, for the obvious advantage of enabling potential purchasers to make purchases.

Spagna does not expressly disclose a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria, although Spagna comes close (column 76, lines 28-40; column 94, lines 10-15). However, McCoy teaches a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria (paragraphs 82, 83, and 84; Figure 14). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the system to include a search agent configured to receive search criteria and search for digital content collections satisfying said search criteria, for the obvious advantage of assisting potential purchasers in finding digital contents they would be likely to purchase.

As per claim 26, Spagna does not expressly disclose a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content, but McCoy teaches a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content (paragraphs 82, 83, and 84; Figure 14). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to have the system comprise a search agent configured to locate digital content satisfying search criteria, said locating including searching the storage for satisfying digital content, for the obvious advantage of assisting potential purchasers in finding digital contents they would be likely to purchase.

As per claim 27, Spagna does not disclose that the storage is communicatively coupled to the system through a network connection, but McCoy teaches this (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the storage to be communicatively coupled to the system through a network connection, for the stated advantage of making the system less expensive and easier to bootstrap than a conventional system.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna et al. (U.S. Patent 6,587,837) as applied to claim 20 above, and further in view of official notice. Spagna does not expressly disclose that digital content collections are encoded with a hierarchical tag-based markup language. However, official notice is taken that hierarchical tag-based markup languages are well known (e.g., HTML, XML), and that that it is well known for files to be encoded with such languages. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for digital content collections to be encoded with a hierarchical tag-based markup language, for the obvious advantage of making the digital content collections conveniently available over the Internet.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spagna et al. (U.S. Patent 6,587,837) as applied to claim 20 above, and further in view of

Goddard (U.S. Patent 6,684,240) and official notice. Spagna does not disclose a policy checker configured to check digital content collections received by the communication agent against a policy of the receiver, but Goddard teaches such policy checkers (column 1, lines 14-15), which are also rejecters, or coupled to rejecters, configured to reject received digital content (column 1, lines 14-25). Neither Spagna nor Goddard expressly discloses a digital content collection editor, communicatively coupled to the policy checker, said editor configured to change digital content collections to comply with the policy. However, official notice is taken that digital content editors configured to change digital content collections to comply with policies are well known (e.g., by deleting offensive words). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the system include policy checker, digital content collection editor, and a digital content collection rejecter, for the obvious advantage of preventing viewers or listening to material offensive to themselves or to others (e.g., their parents).

Claims 28, 29, 30, 32, 49, and 50

Claims 28 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy et al. (U.S. Patent Application Publication 2001/0037311) in view of Wiser et al. (U.S. Patent 6,385,596). As per claim 28, McCoy discloses a method for collecting and managing digital content, comprising: determining a first digital resource to include in a collection (paragraph 86; Figure 16); storing a first reference to the first resource in the collection (paragraphs 86 and 87; Figure 16); determining a first meta-data in the collection (paragraph 86; Figure 16); and storing the collection in a storage

accessible by a receiver (paragraphs 41, 46, 50, 86 and 87; Figure 16). McCoy does not expressly disclose storing said associated first meta-data in the collection; inspecting, by the receiver, of the first meta-data description; and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference. However, Wiser teaches storing associated meta-data in a collection (column 3, lines 50-62); inspecting, by the receiver, of the first meta-data description (column 3, lines 50-62); and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference (column 3, lines 50-62). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store said associated first meta-data in the collection; to enable inspecting, by the receiver, of the first meta-data description; and determining, based on at least said inspecting, whether to obtain the first resource according to the first reference, for the obvious advantage of increasing sales of digital resources by enabling potential purchasers to learn what they're getting.

As per claim 32, McCoy does not expressly disclose logically structuring the collection to correspond to a physical good, but Wiser discloses this (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to logically structure the collection to correspond to a physical good, for the obvious advantage of making available equivalents of such features of a physical CD as a title, liner notes, cover art, etc., to attract customers.

Claims 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy and Wiser as applied to claim 28 above, and further in view of Spagna (U.S. Patent 6,587,837). McCoy discloses the use of security data, but not expressly for the purpose of facilitating the detection of alterations to the collection. However, Spagna teaches associating security data with digital content to make the content resistant to alteration (column 10, lines 58-65). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate security data with the collection to facilitate detecting alterations to the collection, for the obvious advantages of preventing and/or deterring piracy of the digital content.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy, Wiser, and Spagna as applied to claim 29 above, and further in view of official notice. McCoy does not disclose determining compliance of the collection with a receiver policy, and editing the collection to conform the collection to the receiver policy, but official notice is taken that it is well known to determine compliance of digital content with a receiver policy (e.g., Goddard's teaching of blocking content deemed inappropriate for children), and to edit digital content to conform the collection to a receiver policy (e.g., by deleting objectionable language). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine compliance of the collection with a receiver policy, and edit the collection to conform the collection to the receiver policy for the obvious advantage of preserving people from material offensive to themselves, or to such others as their parents.

McCoy does not disclose revising, by the receiver, said associated security in accordance with said editing, but official notice is taken that associated security frequently takes the form of a hash such that any alteration of the protected data is likely to change the security data. Hence, in the case of this common technique being employed, editing of the collection would necessarily involve revising the associated security data.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy and Wiser as applied to claim 28 above, and further in view of official notice. McCoy does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 28, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 28, for the obvious advantage of sparing the cost of hiring human beings to enter all data, etc. stored according to the method of claim 28 by hand.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy and Wiser as applied to claim 29 above, and further in view of official notice. McCoy

does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 29, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 29, for the obvious advantage of sparing the cost of hiring human beings to enter all data, etc. stored according to the method of claim 29 by hand.

Claims 33-35

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. (U.S. Patent 6,385,596) in view of Spagna et al. (U.S. Patent 6,587,837). As per claim 33, Wiser discloses a sales method comprising: determining a first resource to be sold with the seller collection (Abstract; Figure 2; column 6, line 47, through column 8, line 17); determining a first meta-data describing the resource (Abstract; Figure 2; column 6, line 47, through column 8, line 17); storing the first meta-data in the collection description (Abstract; Figure 2; column 6, line 47, through column 8, line 17); and storing at least one reference to the first resource in the collection description, where plural references may be used to provide the first resource to a buyer

at different quality levels (column 3, lines 50-62). Wiser does not expressly disclose associating pricing data with each reference to the first resource; and storing *said* pricing data in the collection description, but Wiser does disclose storing price information with a collection description (column 15, lines 44-55), and does disclose purchasing a first resource, while other resources are available free (column 3, lines 50-62). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate pricing data with each reference to the first resource, for the obvious advantage of enabling potential customers to easily learn the price, and purchase the resource/digital content.

Wiser does not disclose assigning a category to the collection description to facilitate management of the seller collection according to the category, but Spagna teaches digital content having categories to facilitate management of the seller content according to category (column 89, lines 36-48; column 94, lines 10-19). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to assign a category to the collection description to facilitate management of the seller collection according to the category, for the obvious advantage of assisting potential customers in finding digital content of types which they are likely to be interested in purchasing.

As per claim 34, Wiser discloses providing the collection description to a buyer agent (column 3, lines 50-62; column 6, line 47, through column 7, line 3); identifying buyer access of the resource (Abstract; column 8, lines 19-41); and charging the buyer

according to pricing data associated with the resource (column 11, lines 9-14; column 13, lines 16-35, etc.).

As per claim 35, Wiser discloses that said buyer agent is the buyer (abstract; column 3, lines 50-62; column 6, line 47, through column 7, line 3).

Claims 36-39 and 51-52

Claims 36, 37, 38, 39, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy et al. (U.S. Patent Application Publication 2001/0037311) in view of official notice. As per claim 36, McCoy discloses a method for a decision tree for a manifest for a work, comprising: storing a first choice within the manifest (paragraph 86; Figure 16); associating first meta-data with the first choice (paragraph 86; Figure 16); and associating a first selection with the first choice (paragraph 86; Figure 16); wherein a portion of the manifest is dependent on the first selection (paragraphs 86 and 87; Figure 16). McCoy does not expressly disclose a rule-based method for declaring a decision tree for a manifest, but official notice is taken that it is well known for computers to make decisions in accordance with rules-based decision trees, and McCoy discloses that the browser may display a series of data fields depending on the type of content the user is uploading (paragraph 86). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the method to be a rule-based method for declaring a decision tree for a manifest, for the obvious advantage of enabling the method to be practicably automated.

As per claims 37 and 38, McCoy does not disclose storing a second selection within the manifest, wherein said dependency for the portion of the manifest is predicated on said first and second selections, or to associate second meta-data with the second selection. However, it is held to be within the level of ordinary skill in the art to duplicate parts for multiple effects (*St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549 F2d 833 [7th Cir. 1977]; *In re Harza*, 124 USPQ 378, 380; 274 F2d 669 [CCPA 1960]). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store a second selection within the manifest, wherein said dependency for the portion of the manifest is predicated on said first and second selections (as per claim 37) and associate second meta-data with the second selection (as per claim 38), for the obvious advantage of obvious advantage of enabling a user of McCoy's invention to publish multiple music files of other digital content, such as several related songs or symphonic movements, together.

As per claim 39, McCoy discloses that the first selection is either inclusive or exclusive (paragraph 86). (It would have to be one or the other, and is inclusive, in that a user of McCoy's invention chooses to include particular digital content.)

As per claim 51, McCoy does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 36, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing

machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 36, for the obvious advantage of sparing the cost of hiring human beings to assist a user in entering data, etc. stored according to the method of claim 36 by hand.

As per claim 52, McCoy does not disclose a machine accessible medium having instruction encoded thereon for collecting and managing digital content, said instructions, which when executed by a machine, are capable of directing the machine to perform the operations of claim 37, but official notice is taken that it is well known to use machine accessible media having instructions encoded thereon for directing machines to perform operations. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an article comprising a machine accessible medium having instructions encoded thereon for defining a manifest for digital content, said instructions, when executed by a machine, being capable of directing the machine to perform the operations of claim 37, for the obvious advantage of sparing the cost of hiring human beings to assist a user in entering data, etc. stored according to the method of claim 37 by hand.

Allowable Subject Matter

Claims 16-19 and 45-48 are objected to, but would be allowable if rewritten to overcome the objection.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Wiser et al. (U.S. Patent 6,385,596), discloses receiving a manifest for a work comprising a description of data stored by a collection, a reference to a first digital resource, and meta-data describing the first digital content, wherein the manifest comprises a relationship between the reference and said meta-data so that the manifest includes structure corresponding to the work (Abstract; Figure 2; column 6, line 47, through column 8, line 17). Wiser does not disclose testing compliance of the description with at least one policy stored in the receiver and affecting receipt of collections; determining whether the manifest can be edited to comply with the policy; and if not, disposing of the manifest. It is well known to block access to inappropriate data, including testing to determine whether the data complies with a policy (e.g., Goddard, U.S. Patent 6,684,240; Panepinto, "Sitters and Nannies, for Kids and Parents"). However, neither Wiser, Goddard, Panepinto, nor any other prior art of record teaches or reasonably suggests determining whether the manifest can be edited to comply with the policy; and if not, disposing of the manifest.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, Spagna et al. (U.S. Patent 6,587,837), discloses the limitations of claim 20, as set forth above; further limitations of claim 24, are taught by Goddard, or held to be well known, as set forth above. However, neither Spagna, Goddard, nor any other prior art of record discloses a rejecter configured to reject digital content collections that cannot be edited to comply with the policy.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also rewritten to overcome objections to the claim language.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, McCoy (U.S. Patent Application Publication 2001/0037311), discloses various limitations of claim 28. Others, and limitations of claims 29 and 30, are taught by Wiser et al. (U.S. Patent 6,385,596) and Spagna et al. (U.S. Patent 6,587,837), or are held to be obvious. In particular, Spagna teaches associating security data with digital content to make the content resistant to alteration (column 10, lines 58-65), and Wiser discloses cryptographic signing of digital content. However, no prior art of record discloses using cryptographic signing of digital content to identify the receiver as having performed revision of digital content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huffman et al. (U.S. Patent 5,893,132) disclose a method and system for encoding a book for reading using an electronic book. Warren et al. (U.S. Patent 5,963,909) disclose a multi-media copy management system. Wren (U.S. Patent 6,055,514) discloses a system for marketing goods and service utilizing computerized central and remote facilities. Squilla et al. (U.S. Patent 6,123,362) discloses a system and method of constructing a photo collage. Sparks et al. (U.S. Patent 6,167,382) disclose design and production of print advertising and commercial display materials over the Internet. Fritsch (U.S. Patent 6,233,682) discloses distribution of musical products by a Web site vendor over the Internet. Cave (U.S. Patent 6,437,801) discloses representing data in a scripting tool. Chan (U.S. Patent 6,473,860) discloses an information distribution and processing system. Slotznick (U.S. Patent 6,609,146) discloses a system for automatically switching between two executable programs at a user's computer interface during processing by one of the executable programs. Hurtado et al. (U.S. Patent 6,611,812) disclose secure electronic content distribution on CD's and DVD's.

Yukino (U.S. Patent Application Publication 2002/0099623) discloses a system for automatically organizing digital contents. Kahn et al. (U.S. Patent Application Publication 2002/0156737) disclose identifying, managing, accessing, and tracking digital objects and associated rights and payments.

Miyazaki et al. (Japanese Patent Application Publication 11-85504A) disclose a digital contents distributing system.

Panepinto ("Sitters and Nannies, for Kids and Parents") discloses various filters for preventing access to, or editing, offensive material.

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

February 16, 2004